

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

NICHOLAS DOUGLAS; TASHEKA
BRYAN; JUNIOR HARRIS;
MARCUS RICHARDS;
STEPHANEY SMITH; and those
similarly situated,

Plaintiffs,

vs.

YELLOWSTONE CLUB
OPERATIONS, LLC; and
HOSPITALITY STAFFING
SOLUTIONS, LLC,

Defendants.

No. CV 18-62-BU-SEH

ORDER

Pending before the Court is Plaintiffs' Motion for Class Certification Pursuant to Rule 23(b)(3) and Appointment of Class Counsel Pursuant to Rule 23(g).¹ A Joint Report Regarding Class Certification Discovery was filed on December 27, 2019.² The Court conducted a conference with counsel on the record on January 30, 2020.

¹ Doc. 31.

² See Doc. 39.

To assist the Court in address and resolution of the pending Motion for Class Certification Pursuant to Rule 23(b)(3) and Appointment of Class Counsel Pursuant to Rule 23(g),³

ORDERED:

1. The parties shall have to and including June 5, 2020, in which to conduct discovery on issues relevant to Plaintiffs' motion for class certification and appointment of class counsel.⁴

2. Each party shall have to and including June 19, 2020, in which to file a supplemental brief in support of the party's position on class certification and appointment of class counsel.

Plaintiffs' supplemental brief shall identify, with specificity:

- a. The identity of each member of the class or classes;
- b. The beginning date and end date of employment "during the winter of 2017-2018"⁵ for each member of the class or classes;
- c. The hourly rate of pay each member of the class or classes was paid during the period of employment;

³ Doc. 31.

⁴ See Doc. 31.

⁵ See Doc. 31 at 2.

d. The hourly rate of pay of each member of the class or classes identified in paragraph 2c that Plaintiffs assert should have been paid, if the “should have been paid” hourly rate is different from the actual rate at which members of such class or classes were paid.

e. The dates upon which work was performed and number of hours worked on each day by each member of the class or classes during the period of employment.

Defendants’ briefs are expected to address Defendants’ position and response to each of the topics and issues identified in paragraphs 2a–d above.

3. Each party shall have to and including July 3, 2020, in which to file a brief in response to the briefs due on June 19, 2020.

4. An optional reply brief from each party may be filed on or before July 17, 2020.

5. The supplemental briefs, response briefs, and optional reply briefs referenced in paragraphs 2, 3, and 4 above are expected to include and specifically identify and address:

a. The specific questions of law or fact that are asserted to be common to all class members and that are claimed to predominate over any questions affecting only individual members;

b. How and why such specific questions of law or fact are claimed to predominate; and

c. How and why a class action is superior to other available methods to fairly and efficiently adjudicate the controversy or controversies presented.

d. Matters pertinent to findings under Fed. R. Civ. P. 23(b)(3) that the Court will make as to:

i. The class members' interests in individually controlling the prosecution or defense of separate actions;

ii. The extent and nature of any litigation concerning the controversy already begun by or against class members;

iii. The desirability or undesirability of concentrating the litigation of claims in the particular forum; and

iv. The likely difficulties in managing a class action.

6.

a. Further briefing of the matters and issues identified in paragraphs 2, 3, 4, and 5 above may be ordered if deemed by the Court to be necessary or appropriate.

b. A further hearing on Plaintiffs' motion for class certification and appointment of class counsel will be set by further order of Court after the briefs referenced in paragraphs 2-5 and 6(a) above are filed.

DATED this 4th day of February, 2020.


SAM E. HADDON
United States District Court